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19 NOVEMBER 1947

I N D E X
Of
EXHIBITS

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Wednesday, 19 November 1947

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

- - -

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE SIR WILLIAM F.
WEBB, Member from the Commonwealth of Australia and
HONORABLE JUSTICE R. B. PAL, Member from India, not
sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in ses-
3 sion.

4 ACTING PRESIDENT: All the accused are
5 present except MATSUI, who is represented by coun-
6 sel. We have a certificate from the prison surgeon
7 at Sugamo certifying that he is ill and unable to
8 attend the trial today. The certificate will be
9 recorded and filed.

10 Mr. Cole.

11 MR. COLE: May it please the Tribunal, I
12 understand that immediately after the noon recess
13 yesterday your Honor inquired about further proceed-
14 ings in connection with Colonel ISHII.

15 ACTING PRESIDENT: Yes.

16 MR. COLE: On behalf of General MUTO it
17 has been decided that we will seek no further or
18 additional direct examination either by affidavit
19 or interrogatory or directly. That leaves us in the
20 position of waiting upon the prosecution for their
21 decision as to whether they want cross-examination,
22 and if so, whether by interrogatory or directly.
23 Upon speaking with Mr. Tavenner about it, I was ad-
24 vised that that decision in turn must await such time
25 as he can talk with Mr. Lopez, which will be probably

1 this weekend. I can give no further word, as I am
2 awaiting an answer from them.
3

4 ACTING PRESIDENT: I shall expect to hear
5 from Mr. Tavenner by next Monday.

6 MR. COLE: Yes, sir.

7 ACTING PRESIDENT: Commander Cole.

8 - - -

9 T A K A Z U M I O K A, an accused, resumed the
10 stand and testified through Japanese interpre-
11 ters as follows:

12 COMMANDER COLE: At the close of court yes-
13 terday the last question had not been answered.
14 Will the Court Reporter repeat the question?

15 (Whereupon the official Court
16 Reporter read as follows:)

17 "Q Admiral, your many years in the navy's
18 chief political bureau, your promotions, decora-
19 tions, and activities indicate that you were very
20 successful in giving to TOJO and his navy support-
21 ers such as SHIMADA your unquestioning obedience;
22 is that not so?"

23 THE WITNESS: That is completely contrary to
24 facts. In the first place, the Naval Affairs Bureau of
25 the Navy Ministry has nothing to do with politics.

~~As far as the navy is concerned, it has traditionally~~

1 not touched on political questions. Only the Minis-
2 ter of the Navy, as a minister of state, has the
3 authority to participate in political affairs; but
4 according to the past history and tradition of the
5 Japanese Navy, in accordance with that tradition,
6 I have not heard of a Navy Minister ever positively
7 engaging in political action.

8 Now next with regard to decorations. The
9 decorations mentioned by you, Mr. Prosecutor -- The
10 decoration to which you have referred, Mr. Prosecu-
11 tor, was granted to me for meritorious services in
12 connection with the China Affair. As you perhaps know,
13 the Order of the Golden Kite consists of seven classes,
14 Class 1 to Class 7. At that time when decorations were
15 granted for meritorious services, Navy Minister YONAI
16 was granted the order of the Golden Kite, Class 1.
17 Among navy officers who received decorations of Class
18 2 and Class 3 --

19 THE INTERPRETER: Correction: The number of
20 naval officers who were granted decorations of Class 2
21 and Class 3 numbered several hundreds.

22 I was granted Class 4 of the order, but the
23 decoration was granted -- received by me for services
24 rendered up to April, 1940, and as of the date of
25 April 15.

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2 ter of the Navy, as a minister of state, has the
3 authority to participate in political affairs; but
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12 connection with the China Affair. As you perhaps know,
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15 granted for meritorious services, Navy Minister YONAI
16 was granted the order of the Golden Kite, Class 1.
17 Among navy officers who received decorations of Class
18 2 and Class 3 --

19 THE INTERPRETER: Correction: The number of
20 naval officers who were granted decorations of Class 2
21 and Class 3 numbered several hundreds.

22 I was granted Class 4 of the order, but the
23 decoration was granted -- received by me for services
24 rendered up to April, 1940, and as of the date of
25 April 15.

1 As there are many decorations, the actual
2 granting of these decorations are, as a general rule,
3 delayed. I received my decoration sometime later,
4 in 1942, and therefore this decoration has nothing to
5 do with anything that I did after April, 1940. The
6 decoration, furthermore, has nothing to do with Prime
7 Minister TOJO or Navy Minister SHIMADA. Now, as to my--

8 THE INTERPRETER: Correction: Next with
9 regard to my promotion, due to the lapse of a certain
10 period of service, I was promoted to Vice-Admiral,
11 together with twenty others of my colleagues, and in
12 connection with this promotion there were no special
13 circumstances.

14 Next with regard to my activities, I have
15 performed the duties of Chief of the Naval Affairs
16 Bureau in accordance with the established regulations
17 governing the functions of the Navy Ministry and my
18 department, and pursuant to the orders and instruc-
19 tions and at the supervision of my chief, the Minister
20 of the Navy, performing my duties faithfully in
21 accordance with the regulations and orders --

22 THE INTERPRETER: Correction: Before "super-
23 vision" insert -- After "supervision" insert "super-
24 vision of the Vice-Minister."

25 ACTING PRESIDENT: I think you have fully

1 answered the question that was asked you and gone
2 far beyond it.

3 MR. ROBERTS: If your Honor please, not
4 meaning to be disrespectful, I would like to point
5 out that the question includes his promotions, his
6 decorations, and his activities, and states that they
7 indicate certain conclusions. This witness is simply
8 attempting, I believe, to answer and show what those
9 activities actually indicated.

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1 ACTING PRESIDENT: Have you anything further
2 you want to say?

3 THE WITNESS: Yes.

4 ACTING PRESIDENT: Go ahead, and make it as
5 short as possible.

6 A (Continuing) Moreover, I have never received
7 any direction or order from anyone other than the
8 Minister of the Navy, nor was I in a position in which
9 I had to receive directions and orders from any other
10 party. For that reason I have never received any
11 orders from Prime Minister TOJO. Furthermore, I do
12 not recognize that the navy as a whole supported General
13 TOJO or supported the TOJO Cabinet. Furthermore, I have
14 not contacted anybody outside of the scope of my official
15 functions.

16 THE INTERPRETER: Correction: Furthermore, I
17 have never contacted or had any intercourse with
18 political persons outside the scope of my own official
19 functions.

20 THE MONITOR: The previous answer should be
21 deleted.

22 Q Admiral, on page 37 of your affidavit, para-
23 graph 45, you state that there was no basis for the
24 rumor that you had power and influence among a so-called
25 group. What group did you refer to?

1 ACTING PRESIDENT: Have you anything further
2 you want to say?

3 THE WITNESS: Yes.

4 ACTING PRESIDENT: Go ahead, and make it as
5 short as possible.

6 A (Continuing) Moreover, I have never received
7 any direction or order from anyone other than the
8 Minister of the Navy, nor was I in a position in which
9 I had to receive directions and orders from any other
10 party. For that reason I have never received any
11 orders from Prime Minister TOJO. Furthermore, I do
12 not recognize that the navy as a whole supported General
13 TOJO or supported the TOJO Cabinet. Furthermore, I have
14 not contacted anybody outside of the scope of my official
15 functions.

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17 have never contacted or had any intercourse with
18 political persons outside the scope of my own official
19 functions.

20 THE MONITOR: The previous answer should be
21 deleted.

22 Q Admiral, on page 37 of your affidavit, para-
23 graph 45, you state that there was no basis for the
24 rumor that you had power and influence among a so-called
25 group. What group did you refer to?

1 A I am not pointing to any particular or
2 specific group; I am just referring to various individ-
3 uals. Furthermore, I do not know what these -- any
4 specific groups actually did, what activities they en-
5 gaged in.
6

7 Q Is it not a fact that while you were Chief of
8 Section 1 and subsequently Chief of the Naval Affairs
9 Bureau, there was at that time a group of young army
10 and navy officers who favored the use of force in deal-
11 ing with China?

12 A There may have been, but I knew of no specific
13 instances.

14 Q Together with other members of the young officers'
15 group you had meetings and carried on secret plans con-
16 nected with the China Affair, did you not?

17 A I have no recollection.

18 Q Is it not a fact that in June 1938, while you
19 were Chief of Section 1, Naval Affairs Bureau, you and
20 General KAGESA of the Military Affairs Bureau and a
21 certain KISHI dined together every week and talked on
22 various matters concerning the China Affair?

23 A I now recall by the prosecutor's last question
24 that KISHI at that time was private secretary to Prime
25 Minister KONOYE. KAGESA at that time was either a
~~member of the Military Affairs Bureau of the War Office~~

1 or Chief of the Military Affairs Section of the Military
2 Affairs Bureau.

3 At that time, in accordance with the orders of
4 Prime Minister KONOYE, Mr. KISHI met once a week with
5 the Chief of the Naval Affairs Bureau and the Chief
6 of the Military Affairs Bureau for the purpose of ex-
7 changing information on various topics, and at that
8 time I attended these meetings as the Chief of the
9 Naval Affairs Bureau, with the permission of the Vice-
10 Minister of the Navy.

11 At this date, I do not recall what actually
12 was discussed at these meetings, but in view of the
13 fact that the China Incident at that time was the fore-
14 most question confronting Japan, I presume that we heard
15 many explanations and reports with regard to China from
16 KAGESA, who was a China expert.

17 MR. ROBERTS: I am informed that there is a
18 mistranslation in his answer, as being Chief of the
19 Military Affairs Bureau at that time. I ask that it be
20 referred for correction.

21 ACTING PRESIDENT: What office did you hold at
22 that time?

23 THE WITNESS: I was Chief of Section 1 of the
24 Naval Affairs Bureau.
25

1 Q And was not Major General KAGESA the Chief of
2 the similar section of the Military Affairs Bureau at
3 that time?

4 A I think so, but I do not remember. He might
5 have been just a member of the bureau.

6 Q Did not KISHI call this gathering a meeting
7 of the three ministers?

8 A I do not know. I don't think that was so.

9 Q In June 1938, at the time of these meetings,
10 did not KISHI state that KAGESA would bring over a
11 certain Kao Tsung-wu, who until recently had been Chief
12 of the Asia Bureau of the Chiang Government, and confine
13 him in the Kaikosha, or the army club?

14 A He might have, but I do not remember.

15 Q And did not KISHI state as to this scheme de-
16 vised by the young officers that it should be kept a
17 secret and should not be mentioned to the War Minister?

18 A I do not remember.

19 Q In your affidavit, page 37, paragraph 45, you
20 state that as Chief of the Naval Affairs Bureau you
21 had no authority to determine or approve of matters of
22 state policy. Is that correct?

23 A Yes, exactly.
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1 Q Is it not a fact that as early as 1938 you
2 as Chief of the First Section of the Naval Affairs
3 Bureau were already participating in conferences with
4 representatives of the Army Military Affairs Bureau
5 in order to expedite the performance of matters in
6 relation to China?

7 MR. ROBERTS: May I object on the ground
8 that the question is not definite. What "performance
9 of matters" means I do not know and I am not sure the
10 witness will know either. I object to the form of the
11 question.

12 ACTING PRESIDENT: It is rather general.
13 Can you not specify more particularly?

14 Q Do you recall having a conference with
15 KAGESA of the Army Military Affairs Bureau on
16 30 August 1938 concerning the plans for the capture
17 of Canton?

18 A I do not remember. I do not think that was
19 possible because such a matter as the capture of Canton
20 would be outside the province of the Military Affairs
21 Bureau or the Naval Affairs Bureau. Correction:
22 Outside of the province of the duties of the Chief
23 of Section One of the Naval Affairs Bureau.

24 Q As a result of that conference you and KAGESA
25 drew up a plan for the capture of Canton, did you not?

1 A As I said before, that couldn't be possible
2 because such matters were outside the scope of my
3 duties.

4 Q Would it refresh your recollection if I
5 recalled to you that you and KAGESA decided that the
6 capture of Canton was only the application of over-
7 all policies and hence could be carried out without
8 prior consideration by the Five Ministers' Conference?

9 A No, no such decision was ever made.

10 Q And did not you and KAGESA decide that to
11 leave the Canton operations to the Five Ministers'
12 Conference might give rise to the charge that the
13 prerogative of the Supreme Command had been violated?

14 A Such decisions cannot be made by us.

15 COMMANDER COLE: May the witness be shown
16 IPS document 2779?

17 (Whereupon, a document was handed to
18 the witness.)

19 Q Will the witness examine this document and
20 state whether it appears to be a record of the conver-
21 sation between himself and General KAGESA on 30 August
22 1938 concerning the capture of Canton?

23 A I have seen the document.

24 Q Are the facts stated in this document sub-
25 stantially correct?

1 A May I have the question repeated? I
2 couldn't hear it.

3 THE MONITOR: Japanese court reporter.
4 The Japanese court reporter didn't hear
5 it either so we will do it again.

6 A (Continuing) I have no recollection what-
7 soever with regard to this. I only presume after
8 having glanced through this document that it appears
9 to have been some information imparted by KAGESA.

10 Q Does it refresh your recollection if I
11 recall to you that this plan for the capture of
12 Canton was to have the land forces land on the east
13 side of Bias Bay in order to avoid friction with
14 Britain?

15 A No, I have absolutely no knowledge of that.

16 Q Do you recognize the initials of the officials
17 of the East Asia Bureau and Foreign Ministry which
18 appear in the margin?

19 A Yes.

20 Q Do you have any reason to believe that this
21 document, which is part of the official archives of
22 the Japanese Foreign Office, is not correct?

23 A My name appears in this document but I have
24 no recollection of the document. As to the contents,
25 it does not say that it was a decision reached as a

1 A May I have the question repeated? I
2 couldn't hear it.

3 THE MONITOR: Japanese court reporter.
4 The Japanese court reporter didn't hear
5 it either so we will do it again.

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7 soever with regard to this. I only presume after
8 having glanced through this document that it appears
9 to have been some information imparted by KAGESA.

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11 recall to you that this plan for the capture of
12 Canton was to have the land forces land on the east
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17 of the East Asia Bureau and Foreign Ministry which
18 appear in the margin?

19 A Yes.

20 Q Do you have any reason to believe that this
21 document, which is part of the official archives of
22 the Japanese Foreign Office, is not correct?

23 A My name appears in this document but I have
24 no recollection of the document. As to the contents,
25 it does not say that it was a decision reached as a

1 result of a conference among us, and if you glance
2 through the contents you will note that this is
3 nothing more than information heard. This is only
4 my presumption but it appears to me from this docu-
5 ment that KAGESA merely imparted information with
6 regard to decisions made by the War Ministry and
7 that this is a record of the report made by him; but
8 I am totally unfamiliar -- I was then and even now
9 am totally unfamiliar with the operational conditions
10 at that time and because of that I cannot say whether
11 the contents of this document are true or false.

12 Q You deny that the conversation between
13 yourself and OKA which is stated in the document to
14 have taken place on August 30, 1938 ever occurred?

15 THE MONITOR: Mr. Prosecutor, you said--

16 COMMANDER COLE: Change that to "yourself and
17 KAGESA."

18 A I have absolutely no recollection of it.

19 Q On page 6 of your affidavit, paragraph 12--

20 ACTING PRESIDENT: Are you through with the
21 question about that document?

22 COMMANDER COLE: Strike out that question.

23 ACTING PRESIDENT: What is the answer to my
24 question?

25 COMMANDER COLE: I have one more question,

1 your Honor.

2 Q Do you deny the authenticity of this
3 document?

4 A I can neither deny nor confirm this docu-
5 ment. I have no recollection. I have no recollec-
6 tion of the contents and I have no familiarity with
7 the matters contained therein.

8 COMMANDER COLE: IPS document 2779 is offered
9 in evidence.

10 MR. ROBERTS: We object on the ground that
11 it has not been identified.

12 THE PRESIDENT: The witness has not accepted
13 that document as true and authentic. The document
14 will be marked for identification only.

15 CLERK OF THE COURT: Prosecution document
16 2779 will receive exhibit No. 3474 for identification
17 only.

18 (Whereupon, the document above
19 referred to was marked prosecution exhibit
20 No. 3474 for identification only.)
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1 Q On page 6 of your affidavit, paragraph 12,
2 you state that the Naval Affairs Bureau performed
3 routine duties under the supervision of the Navy Vice
4 Minister and the Director of the Naval Affairs Bu-
5 reau was never in a position to assume any independ-
6 ent responsibility vis-a-vis outside contacts. Do
7 you mean that for all your official acts as Chief
8 of the Naval Affairs Bureau the defendant SHIMADA
9 alone is responsible?

10 A With regard to any government regulations
11 governing the organization and functions of govern-
12 ment departments, the chief of bureau is merely --
13 constitutes merely the staff of the minister of the
14 department, and, therefore, it would amount to that
15 legally.

16 Q The Bureau of Naval Affairs was the politi-
17 cal and liaison branch of the Navy Ministry, was it
18 not?

19 A As I told you before, there are no politi-
20 cal functions in the Naval Affairs Bureau.

21 Q The Naval Affairs Bureau controlled the
22 public relations of the whole Navy, did it not?

23 A Not all.

24 Q What other branch of the Navy handled public
25 relations?

1 A All bureaus were the same.

2 Q After you assumed office as Chief of the
3 Naval Affairs Bureau on 15 October, 1940, is it not
4 true that you acted in close liaison with General
5 MUJO, the Chief of the Military Affairs Bureau in
6 connection with Imperial Conferences?

7 A Whether it was close or not is another mat-
8 ter. Contacts were made on matters which were with-
9 in our scope of duties.

10 Q Were you invited by the Emperor to attend
11 the Fourth Imperial Conference on 13 November, 1940?

12 A May I have the date repeated?

13 (Whereupon, the Japanese court
14 reporter read.)

15 A (Continuing) Probably so.

16 Q The purpose of the Conference was to decide
17 on proposals relative to the settlement of the China
18 Incident, was it not?

19 A I do not quite remember.

20 Q Was it not a fact that the invitation of the
21 Emperor for you to attend was made upon the request
22 of the Cabinet?

23 A The circumstances, as I understand then,
24 were these: The procedure by which any subject in
25 Japan could appear in the presence of the Emperor

1 was difficult. No one by his own free will appeared
2 in the Imperial presence. And in my understanding,
3 even when secretaries who would be in attendance
4 at Imperial Conferences or at an Imperial Conference --
5 their names had to be channeled through the Ministry
6 of the Imperial Household as a matter of formal pro-
7 cedure.

8 Q Is it not a fact that it was decided at this
9 time that since Imperial Conferences should consist,
10 on principle, of those who bear responsibility for
11 giving advice to his Majesty, the Chiefs of the
12 Bureau of Naval Affairs and Bureau of Military Af-
13 fairs were invited to join the Imperial Conferences
14 in addition to the usual members in the past?

15 A I do not think so. I think secretaries
16 were always in attendance in the past.

17 COMMANDER COLE: May the witness be shown
18 exhibit 3455 which was previously marked for identi-
19 fication?

20 (Whereupon, a document was handed
21 to the witness.)

22 Q Will you examine this document and state
23 whether, on page 6 of the Japanese copy, it does not
24 state that you, as Chief of the Naval Affairs Bureau,
25 attended the Imperial Conference of 13 November, 1940

1 by Imperial order.

2 A No, I don't see that on page 6. Just a
3 minute, please. Yes, now I have found it.

4 Q In view of the fact that this is the first
5 Imperial Conference you had attended, in view of the
6 fact that it was upon the command of the Emperor,
7 I assume that you would remember attending this con-
8 ference; is that correct?

9 A I think I attended that meeting.

10 COMMANDER COLE: May exhibit 3455 be re-
11 ceived in evidence?

12 MR. ROBERTS: There has been no identifi-
13 cation from this witness as to the authenticity or
14 the correctness of the contents of this document.
15 Therefore, I object to it.

16 ACTING PRESIDENT: The offer is refused at
17 this time.

18 Q Admiral, are the facts stated in this docu-
19 ment substantially correct?

20 A No, I cannot. This is entirely a matter of
21 the Imperial Household department, and it is of a
22 nature that I have never heard about before.

23 Q And in so far as the document states that
24 you attended this Imperial Conference, it is correct,
25 is it not?

1 A I think I attended this meeting because I
2 attended most Imperial Conferences.

3 Q Does it refresh your recollection if I re-
4 call to you the fact that this Imperial Conference
5 was held at 2 p.m., November 13, 1940 in the East
6 No. 1 Room of the Palace?

7 A Well, these Imperial Conferences were prac-
8 tically all held in the same room, so I cannot say.
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1 Q Do you have any reason to believe that this
2 document isn't authentic?

3 A This is a matter referring to the Imperial
4 Household Department so that is beyond the scope of my
5 knowledge.

6 COMMANDER COLE: I have no more questions on
7 that document.

8 Q On January 19, 1939, you were appointed a govern-
9 ment commissioner on matters related to the Navy Ministry
10 in the Diet, were you not?

11 A In 1939 did you say?

12 Q Yes.

13 A Yes, as Chief of the First Section of the Naval
14 Affairs Bureau.

15 Q In this position you acted as liaison between
16 the Navy and the Diet, did you not?

17 A No.

18 Q What were your duties?

19 A My duties were to provide materials and infor-
20 mation to explainers whenever questions arose in the
21 Diet which were related to matters in the charge of
22 the Ministry of the Navy.

23 Q You were reappointed to this position in 1940,
24 1941, 1942, and 1943, were you not?

25 A Yes. This is a duty attached to the Chief of

the Military Affairs Bureau -- Naval Affairs Bureau.

1 Q In 1941 did you have anything to do with the
2 reorganization of the I.R.A.A.?

3 A I have no recollection.

4 Q Is it not a fact that in March 1941 you and
5 General MUTO drafted a joint plan for the reorganization
6 of the I.R.A.A.?

7 A No, I do not recall.

8 Q Is it not also a fact that at that time you
9 were strongly opposed to the weakening of the I.R.A.A.
10 and favored a single party system?

11 A No.

12
13 COMMANDER COLE: May the witness by shown IPS
14 document 3249?

15 (Whereupon, a document was handed to
16 the witness.)

17 Q Will you examine this document and state whether
18 it is an article from the Asahi Shimbun, dated 26 March
19 1941, which states that you and General MUTO were draft-
20 ing a joint plan for the reorganization of the I.R.A.A.?
21 Are the facts stated in this document -- in this news-
22 paper article substantially correct?

23 A I have absolutely no recollection.
24
25

1 Q Do you deny that you and General MUTO pre-
2 pared such a joint plan?

3 A With regard to the Imperial Rule Assistance
4 Association I was unfamiliar with it at the time of
5 its establishment because I was not then Chief of the
6 Naval Affairs Bureau. It was after I became Chief
7 of the Naval Affairs Bureau that I became one of
8 the councillors, if I am correct, of that body.
9 I was asked to participate -- correction: I was
10 asked by the Vice Minister to become one of the coun-
11 cillors of this organization because the government
12 as a whole was to participate in the activities of the
13 association. But as far as the Navy was concerned,
14 it had little interest in the I.R.A.A.

15 THE INTERPRETER: Slight correction: Strike
16 out "asked by the Vice Minister of the Navy" and
17 insert "the Navy was asked that I be made one of the
18 councillors."

19 A (Continuing) And, therefore, there is no
20 instance of the Navy engaging in any positive activi-
21 ties with reference to the I.R.A.A.. Hence, matters
22 of the kind referred to in this document is completely
23 outside of my recollection.
24

25 Q Does it refresh your recollection if I recall
to you that you and General MUTO in your capacities

1 as Chief of the Naval Affairs Bureau and Chief of the
2 Army Affairs Bureau had an interview with Cabinet
3 Secretary TOMITA on or about March 26 at which a de-
4 tailed account of the government's plan of reorganiza-
5 tion of the I.R.A.A. was given?

6 A Did you say the government's reorganization
7 plan?

8 Q Yes.

9 A No, there was absolutely no such case.

10 Q Do you deny that you as Chief of the Naval
11 Affairs Bureau had any part in this joint Army and
12 Navy plan for the reorganization of the I.R.A.A.?

13 A What appears on this newspaper is completely
14 outside the pale of my recollection.

15 Q Is it not a fact that you and General MUTO
16 presented this joint plan to the Cabinet Executive
17 Secretary TOMITA on or about 27 March 1941?

18 A As I have said before I had hardly any
19 interest in the I.R.A.A. that I have no recollections
20 concerning it.

21 COMMANDER COLE: May the witness be shown
22 IPS document 3250?

23 (Whereupon, a document was handed to
24 the witness.)

25 Q Will you state whether this is an article

1 from the Asahi Shimbun of 28 March 1941 concerning
2 the Army and Navy joint plan of reorganization of the
3 I.R.A.A.?

4 A Yes, something to that effect is written in
5 this article.

6 ACTING PRESIDENT: We will recess for fifteen
7 minutes.

8 (Whereupon, at 1045, a recess was
9 taken until 1100, after which the proceedings
10 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Commander Cole.

4 BY COMMANDER COLE (Continued):

5 Q Admiral, are the facts stated in this news-
6 paper article substantially correct?

7 A As I have said before, I cannot conceive of
8 my ever having participated in matters pertaining to
9 the IRAA to that extent because of my lack of interest.
10 And, therefore, there is nothing in my recollection
11 pertaining to this matter. Furthermore, I do not
12 know by what circumstances such an article ever
13 appeared in the newspaper.

14 Q Did not you and General MUTO interview
15 Cabinet Secretary TOMITA in the Prime Minister's
16 residence on the 27th of March, 1941 and present the
17 joint plan at that time?

18 A I have no such recollection.

19 Q Does it refresh your recollection if I
20 recall to you that at this interview you and General
21 MUTO strongly urged that TOMITA be made the central
22 figure in the IRAA in order to engage actively in
23 campaigning?
24

25 A I do not think there was anything of the kind.

Q After the first newspaper article appeared in

1 the Asahi newspaper did you notify the publishers that
2 they were publishing erroneous statements regarding
3 your political activities?

4 A As a matter of fact, I am seeing this article
5 for the first time now. At that time I had -- this
6 article did not even attract my attention.

7 Q You have previously testified, I believe,
8 that according to the traditions of the Japanese Navy
9 officers were not to engage in politics?

10 A Yes, exactly.

11 Q After both of these newspaper articles had
12 been published, did you ever protest against these
13 articles implicating you in political activities?

14 A As I have said before, I have never seen
15 this article before, and I do not think that I did any-
16 thing of the kind.

17 Q Irrespective of whether you ever saw either
18 of these newspaper articles before, do you deny that
19 all of the facts contained in them are false -- pardon
20 me, are true?

21 A As I have said before, I have no recollection
22 whatsoever; and as I have told you, I do not know under
23 what circumstances such an article ever appeared
24 in the newspapers. It is difficult for me to under-
25 stand those circumstances, if any.

1 Q The Naval Affairs Bureau acted as liaison
2 between the general staff and the cabinet, did it not?

3 A No.

4 Q It was the channel through which the navy
5 made known its policies to the cabinet and vice versa,
6 was it not?

7 A Do you mean the Naval Affairs Bureau?

8 Q Yes.

9 A No.

10 Q On page 29 of the English copy of your
11 affidavit you state that you never attended any
12 cabinet meetings nor were you privileged to do so.
13 When you said that you were not privileged to attend
14 did you mean that as Chief of the Naval Affairs Bureau
15 you were disqualified to attend such cabinet meetings
16 or that you were never invited to attend?

17 A I had no qualifications nor did I ever
18 receive an invitation to attend.

19 Q Is it not a fact that you and General MUTO,
20 Chief of the Army Military Affairs Bureau, attended
21 an extraordinary session of the cabinet on 29 August
22 1941?
23

24 A I do not remember.

25 COMMANDER COLE: May the witness be shown

Q Will the witness examine this document and state whether it is an article from the Tokyo Nichi Nichi of 30 August 1941?

A This document simply states that it is an excerpt from the Tokyo Nichi Nichi. That is all. Now, speaking of the contents of this, this is not a meeting of the cabinet.

Q Does it not appear in this newspaper article that you attended the cabinet meeting of 29 August 1941?

A No.

MR. ROBERTS: Just a minute, please. I object on the ground that the witness has stated that what he was looking at was an excerpt and not the newspaper article itself.

Q Will the witness examine the photostatic copy of that newspaper excerpt?

A I was slightly mistaken before. As I see this photostatic copy it says there was an extraordinary meeting of the cabinet following a cabinet meeting. I think this is erroneous reporting on the part of the newspaper because this is a peculiar expression, "an extraordinary meeting of the cabinet following a cabinet meeting."

Q Does it refresh your recollection if I recall

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1 to you that at this cabinet meeting Foreign Minister
2 TOYODA reported in detail on the latest diplomatic
3 negotiations with the United States in the presence
4 of yourself and General MUTO?

5 A I have no recollection, but that is not so
6 if you would read this document.

1 Q Do you deny that you attended such a cabinet
2 meeting?

3 A I do not think this was a cabinet meeting.

4 Q Irrespective of whether it was a cabinet meet-
5 ing, do you deny that you attended a meeting of the
6 members of the cabinet at which Foreign Minister TOYODA
7 gave a report on the Japanese-American diplomatic
8 negotiations?

9 A I do not think that I was ever in attendance
10 at a meeting in which Foreign Minister TOYODA made a
11 report to his cabinet colleagues.

12 Q During the negotiations prior to Pearl Harbor,
13 did you oppose withdrawal of Japanese troops from China?

14 A I was not opposed to the withdrawal of Japanese
15 troops.

16 ACTING PRESIDENT: Before you proceed any
17 further, I see you are getting away from these newspaper
18 articles. Does counsel wish the last three newspaper
19 articles marked for identification?

20 MR. ROBERTS: I think for future record they
21 should be so marked.

22 ACTING PRESIDENT: They will be so marked, then.

23 CLERK OF THE COURT: The March 1941 issue of
24 the Asahi Shimbun will receive exhibit No. 3475 for
25 identification only. IPS document 3249, being an

1 excerpt therefrom, will receive exhibit No. 3475-A.
2 IPS document 3250, the second excerpt therefrom, will
3 receive exhibit No. 3475-B. Prosecution document
4 2534-E will receive exhibit No. 3476; all of said
5 exhibits being for identification only.

6 (Whereupon, the document above
7 referred to were marked prosecution exhibits
8 No. 3475, 3475-A, 3475-B, and 3476, respec-
9 tively, for identification.)

10 Q On the contrary, is it not a fact that you
11 were strongly insistent upon Japanese troops remaining
12 in China?

13 A No, there was no such case.

14 Q You had a meeting with General MUTO on
15 6 September 1941 at the official residence of the
16 Foreign Minister at which you and General MUTO discussed
17 the basic conditions of settlement of the Sino-Japanese
18 peace, did you not?

19 A I have no clear recollection, but there were
20 frequent gatherings at the Foreign Office for the
21 purpose of discussing the plan formulated by the Foreign
22 Office, and, therefore, I believe that this was one of
23 them.

24 Q And one of the terms agreed upon by you and
25 General MUTO at that conference was that Japanese troops

1 should remain stationed in Amoy and Hainan Island, as
2 well as in certain districts of the Mongolian area and
3 North China, is that not correct?

4 A I do not know the text of the decision to which
5 you refer, but that may have been the case.

6 COMMANDER COLE: May the witness be shown
7 exhibit 3456?

8 (Whereupon, a document was handed
9 to the witness.)

10 Q Will you examine this document and state whether
11 it is not the basic conditions for settlement of the
12 Sino-Japanese peace as discussed in a conference between
13 you and General MUTO on September 6, 1941?

14 A No, that is not so.

15 Q Directing your attention to paragraph No. 4,
16 does that not state that for the purpose of joint defense
17 Japanese troops shall be stationed in Amoy and Hainan
18 Island, as well as in certain districts of Mongolia-
19 Sinkiang area and North China?

20 A Yes, there is such a term.

21 Q Is it not also a fact the same condition and
22 terms were included in exhibit 1245-F, which was the
23 document containing the proposals of the Japanese
24 Government delivered to Ambassador Grew on September 22,
25 1941?

1 A No, I have no clear recollection.

2 Q Do you admit that the conference mentioned
3 in this document between yourself and General MUTO
4 took place on September 6, 1941?

5 A I do not recall the date or the contents.

6 Q Is it not a fact that the basic terms dis-
7 cussed by you and General MUTO as they appear in this
8 exhibit represent the maximum concessions beyond which
9 the Japanese Government never went in its negotiations
10 with the United States?

11 A It says here that MUTO and I had conferred,
12 but such a thing was impossible in so far as this
13 matter was concerned. I think this is a Foreign Office
14 plan discussed at a meeting sponsored by the Foreign
15 Office with either the Vice-Minister or the Director
16 of the American Bureau of the Foreign Office presiding,
17 and if it is that conference, I think that I was in
18 attendance there. Although I do not clearly recall
19 its contents, it seems that the prosecutor's question
20 intimated that this was the final plan. I do not
21 think that was so.
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1 Q As I understand you, Admiral, you state
2 that you were present at this conference and you
3 do remember paragraph 4 in relation to the stationing
4 of Japanese troops in China; is that correct?

5 A No, I did not state so. I told you that I
6 do not recall the contents of this document, that I
7 do not recall the date nor the conference itself, and
8 although this document represents me and MUTO as
9 having conferred and having agreed on the terms set
10 forth therein, if you observe the form in which this
11 document is made out, it appears to me to be a Foreign
12 Office plan in connection with which a conference
13 was sponsored by the Foreign Office.

14 Q In other words, you mean that at a conference
15 between the Army and the Navy liaison chiefs, called
16 by the Foreign Ministry to find out what the joint
17 army and navy terms of peace for China were, in that
18 case the Foreign Office prepared the terms of peace;
19 is that correct?

20 A I said that it appears to be a plan formulated
21 by the Foreign Office, and that representatives of
22 the Army and the Navy were called into consultation
23 to discuss the plan.

24 Q Is it not true that the basic decision
25 regarding the stationing of troops in China, which was

1 arrived at at this conference, was the chief obstacle
2 to the successful conclusion of the Japanese-American
3 negotiations? Is that not so?

4 A No, not only this.

5 Q On 6 February, 1941, you were appointed to
6 assist the Imperial Commissioner in arbitrating the
7 dispute regarding the border of Indo-China and Siam,
8 were you not?

9 A Yes, probably I was appointed to this
10 commission.

11 Q Is it not true that four months later, on
12 25 June, 1941, you participated in the liaison
13 conference at which it was decided to station troops
14 in Indo-China and Siam and to acquire naval and air
15 bases there by diplomacy, if possible, or otherwise
16 by armed force?

17 A Well, I do not recall the contents and I
18 do not know whether that is entirely correct or
19 otherwise, but I attended a liaison conference which
20 discussed matters similar to that.

21 Q Evidence has been introduced before the
22 Tribunal to show that the total number of liaison
23 conferences which you attended during the period from
24 13 January, 1941 to 30 June, 1941 was 24. Do you
25 accept that total as substantially correct?

1 A I heard that total, but I do not think it
2 is correct.

3 COMMANDER COLE: In connection with the
4 last two answers of the witness, prosecution wishes
5 to refer the Tribunal to exhibit 1103, at record
6 page 10,062.

7 Q After that period, that is, between June 30,
8 1941 and up to and including 8 December, 1941, how
9 many liaison conferences did you attend?

10 A How many liaison conferences I attended I
11 do not recall, but I think that I attended practically
12 all of them. However, there were times when I was
13 ill and liaison conferences were held during my
14 absence because of that illness, and there have been
15 quite a number of times when I was absent because
16 of that reason. Especially, I might point out, that
17 while I was abed at home during illness -- as a result
18 of illness -- and a liaison conference was held at
19 such a time, there were times when I had to laugh out
20 loud because there were press reports to the effect
21 that I had attended a liaison conference which I had
22 not attended on account of illness. So, if the
23 prosecution has checked up the number of my attendances
24 according to newspaper reports, the prosecution would
25 be mistaken.

1 Q On page 26 of your affidavit you say that
2 you attended Imperial and liaison conferences with
3 the exception of three or four times due to illness;
4 is that correct?

5 A Yes.

6 Q During 1941 the military forces, including both
7 the Army and the Navy, were using their representatives
8 on the liaison conferences not only to interfere in
9 politics, but to exercise even such control as to
10 control and direct politics, is that not true?

11 MR. ROBERTS: I object on the ground that
12 the question is argumentative.

13 ACTING PRESIDENT: If I understood the question
14 correctly, you are asking him if some statement made
15 in his affidavit is true.

16 COMMANDER COLE: No, your Honor. I was asking
17 him to state a fact as to the liaison conferences
18 which should be in his knowledge as a member of those
19 conferences. The question concerned whether the
20 liaison conferences were being used by the Army and
21 Navy to interfere in politics.

22 MR. ROBERTS: It is certainly more of a
23 statement by the prosecutor than a question.
24

25 ACTING PRESIDENT: Reporter, read the question
back, please.

1 Q On page 26 of your affidavit you say that
2 you attended Imperial and liaison conferences with
3 the exception of three or four times due to illness;
4 is that correct?

5 A Yes.

6 Q During 1941 the military forces, including both
7 the Army and the Navy, were using their representatives
8 on the liaison conferences not only to interfere in
9 politics, but to exercise even such control as to
10 control and direct politics, is that not true?

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12 the question is argumentative.

13 ACTING PRESIDENT: If I understood the question
14 correctly, you are asking him if some statement made
15 in his affidavit is true.

16 COMMANDER COLE: No, your Honor. I was asking
17 him to state a fact as to the liaison conferences
18 which should be in his knowledge as a member of those
19 conferences. The question concerned whether the
20 liaison conferences were being used by the Army and
21 Navy to interfere in politics.

22 MR. ROBERTS: It is certainly more of a
23 statement by the prosecutor than a question.
24

25 ACTING PRESIDENT: Reporter, read the question
back, please.

(Whereupon, the last question was
read by the official court reporter.)

ACTING PRESIDENT: The objection is sustained
to the question in that form.

1 Q As a matter of fact, the decisions of the
2 Liaison Conferences had such weight during that
3 period that, practically speaking, they were always
4 approved by the Cabinet and the Imperial Conference,
5 is that not so?

6 A Generally, yes.

7 MR. ROBERTS: Just a minute, please.

8 ACTING PRESIDENT: What was the reply of
9 the witness?

10 THE MONITOR: "Generally, yes."

11 THE WITNESS: I have not completed my reply.

12 ACTING PRESIDENT: Go ahead.

13 MR. ROBERTS: When you see me approach the
14 lectern, will you please withhold your reply.

15 ACTING PRESIDENT: You may complete your
16 reply.

17 A (Continuing) However, the Liaison Confer-
18 ence was a conference between the high command and
19 the government, and I do not think that purely
20 political matters were discussed at these confer-
21 ences.
22

23 Q In these Liaison Conferences, you and
24 General MUTO made various explanations and even
25 participated in the deliberations, did you not?

A We have never participated in the

1 deliberations.

2 Q Admiral, you state in your affidavit that
3 the Japanese Navy did not desire war. Did you
4 share in that attitude?

5 A Yes.

6 Q Is it not true that on 14 October 1941,
7 when the KONOYE Cabinet was deadlocked, the Army
8 offered to give way if the Navy would come out
9 definitely against war?

10 A I have written in my affidavit that I
11 heard of this from the Chief Cabinet Secretary,
12 TOMITA. The situation was exactly as I have
13 described.

14 Q Is is not also true that when this offer
15 was reported to you by Chief Secretary TOMITA you
16 refused to do this and left the matter up to the
17 Prime Minister?

18 A May I explain the circumstances with
19 regard to that; may I?

20 Q You may.

21 A On the 14th, TOMITA came to me on a visit,
22 and he spoke -- and he told me to the effect that
23 the Cabinet had reached a decision to resign en
24 bloc, and during the course of the conversation
25 TOMITA said that the Director of the Military

1 Affairs Bureau of the War Ministry had said such
2 and such, and I heard from TOMITA that he said at
3 that time to the Director of the Military Affairs
4 Bureau that that would be a difficult thing. There-
5 upon I said, "Yes, it is difficult," and told him
6 that the Navy has constantly pursued the policy of
7 leaving the matter up to the Prime Minister.

8 It was already the night of the 14th at
9 that time, when TOMITA came, and the Cabinet had
10 already arrived at a decision to submit its total
11 resignation. Hence, this matter was brought to my
12 attention merely by way of information, because
13 such a decision had already been arrived at.

14 At that time, I told TOMITA that the
15 resignation of the KONOYE Cabinet was extremely
16 regrettable in connection with the successful
17 culmination of the Japanese-American negotiations.
18 And, thereupon, I told TOMITA if there was any room
19 left, how about calling together the Four Ministers
20 Conference which had been discontinued -- be resumed
21 in order to impart the whole information -- the full
22 facts to the entire Cabinet. At this point, TOMITA
23 said it was now too late because the Cabinet had
24 already arrived at a decision to resign.

25 The circumstances are exactly as I have

1 stated in my affidavit.

2 Q Notwithstanding your denial, is it not
3 fair to state that the failure of the Navy to
4 definitely oppose war was the decisive factor which
5 enabled the Army leaders to force the nation to go
6 to war against the United States and that you
7 personally share in this responsibility?

8 MR. ROBERTS: I object on the ground that he
9 is asking this witness to forswear the issue.

10 ACTING PRESIDENT: Objection sustained.

11 Q With regard to the final note to Washing-
12 ton, about which you testified yesterday, was it
13 not true that for several days before the final
14 draft was approved you, as Chief of the Naval
15 Affairs Bureau, and the defendant MUTO, as Chief
16 of the Military Affairs Bureau, were in frequent
17 contact with the Foreign Office in connection with
18 the drafting of many revisions of that note?

19 A I have no recollection of such a fact.
20 I told the whole story yesterday.

21 Q Is it not a fact, however, that Admiral
22 ITO, you, and General MUTO frequently contacted the
23 Foreign Office, presenting the Navy's view that no
24 warning should be given which should endanger the
25 surprise attack?

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1 A I have never contacted the Foreign Minis-
2 try to any such effect.

3 ACTING PRESIDENT: We will adjourn until
4 one-thirty.

5 (Whereupon, at 1200, a recess was
6 taken.)

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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.

ACTING PRESIDENT: Commander Cole.

- - -

TAKAZUMI OKA, an accused, resumed the
stand and testified through Japanese interpreters
as follows:

CROSS EXAMINATION

BY COMMANDER COLE (Continued):

Q Admiral, on page 20 of your affidavit you
stated that in regard to giving the United States notice
of commencement of hostilities you thought the Foreign
Office would take the proper procedure, and therefore
you entertained no concern over its progress. Do you
mean that you entertained no concern for yourself, be-
cause you thought the defendant TOGO was alone respon-
sible?

A My meaning is this: That diplomatic documents
or the formalities connected therewith, or diplomatic
procedure, are matters under the charge of the Ministry
for Foreign Affairs. In connection with such matters,
as far as the Navy Ministry is concerned, it has no

responsibility. Hence, in so far as my -- the author-
1 ities in my department or ministry were concerned, we
2 would warn or give advice or propose revisions in so far
3 as such guidance occurred in our minds, but inasmuch
4 as the Foreign Office was handling such matters on its
5 own responsibility, we agreed to whatever final con-
6 clusion was reached by the Foreign Office.

7
8 As for the Navy Min'istry, such matters were not
9 only outside of its duties, but it had no experience or
10 expert knowledge on such matters. It is in that sense
11 that I made the statements that you find in my affi-
12 davit -- It is in that meaning that I felt as I have
13 stated in my affidavit.

14 Q Admiral, is it not a fact that on December 8,
15 1941, at about 4:00 A. M., on the morning of the Pearl
16 Harbor attack, you telephoned Foreign Minister TOGO and
17 reported to him on the success of the surprise attack
18 on Pearl Harbor?

19 A I don't recall, but such a thing is possible.

20 Q From what source did you receive the informa-
21 tion as to the success of the attack?

22 A The information -- I was informed to that
23 effect by my subordinates, but I should think that my
24 subordinates obtained their information by interception
25 of radio reports.

1 I don't remember ever having imparted such
2 information to the Foreign Ministry -- Foreign Minister,
3 and the fact of my statement to the effect that my
4 subordinates might have informed me is merely a supposi-
5 tion on my part.

6 Q Do you admit that about four o'clock on the
7 morning of December 8, 1941 you learned about the suc-
8 cess of the Pearl Harbor attack?

9 A Yes, I might have been informed about that
10 time with regard to that matter, but it is not in my
11 recollection now.

12 Q Do you deny that you had such a telephone
13 conversation with the defendant TOGO?

14 A I do not deny it because such a thing is pos-
15 sible, but it is not in my recollection.

16 Q In your affidavit you state that you attended
17 meetings of the investigation committee of the Privy
18 Council only as an explainer and did not participate
19 in the decisions.

20 A Yes, that is so.

21 Q Regardless of that, is it not true, however,
22 that after every investigation committee meeting was
23 held you attended a meeting of the Privy Council it-
24 self?

25 A No, I was not always in attendance.

1 Q Did you not participate in the decisions of
2 such Privy Council meetings?

3 A I have never participated in any decisions.

4 Q You attended the meetings of the investigation
5 committee of the Privy Council held on 8 December 1941
6 at 7:30 A. M., at which the bill for declaration of war
7 was unanimously adopted, did you not?

8 A I have no clear recollection, but probably I
9 attended as an explainer.

10 COMMANDER COLE: In connection with the last
11 answer of the witness, the prosecution refers the Tri-
12 bunal to exhibit 1241, record page 10,690.

13 Q Is it not a fact that on December 8, 1941, af-
14 ter the investigation committee meeting was ended, a
15 Privy Council meeting was held at 10:50 A. M. which
16 heard the report of the investigation committee and
17 discussed the measure proposing a declaration of war?

18 A I don't quite recall.

19 Q Is it not a fact that you attended that meet-
20 ing of the Privy Council?

21 A That, too, I do not recall, but probably I did
22 attend as an explainer.
23
24
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1 Q And at this meeting of the Privy Council
2 neither you nor the other committee members were
3 asked to retire prior to the decision, were you?

4 A At any meeting of the investigation committee
5 when a decision is taken no one is there. We are not
6 there.

7 Q By "we" do you mean the explainers?

8 A Yes, that is what I mean.

9 Q At this meeting of the Privy Council at
10 10:50 a. m. on December 8, 1941, you were present and
11 joined in the unanimous decision in favor of a declara-
12 tion of war; that is true, is it not?

13 A There is no case whatsoever of my participating
14 in the decision, but I have no recollection whether
15 I was in attendance there or not.

16 COMMANDER COLE: May the witness be shown
17 IPS document 1087?

18 (Whereupon, a document was handed
19 to the witness.)

20 Q Will you examine that document and state
21 whether it shows that you and General MUTO attended
22 a Privy Council meeting on 8 December, 1941?

23 A In this document I am included among those
24 who are reported to have been present.

25 Q Are the facts stated in this document sub-

stantially correct, so far as you know?

1 A (Examining) I don't remember the contents
2 and I cannot say on the face of this whether it is
3 correct or not. However, this appears to be a docu-
4 ment of the Privy Council and was prepared by the
5 Privy Council.
6

7 COMMANDER COLE: IPS document 1087 is
8 offered in evidence.

9 MR. ROBERTS: I object to it on the ground
10 that this document has not been sufficiently identi-
11 fied.

12 ACTING PRESIDENT: Objection sustained.

13 BY COMMANDER COLE:

14 Q In your affidavit you state that there was
15 no special department in the Navy Ministry for the
16 handling of prisoners of war. Is it not a fact that
17 the Naval Affairs Bureau handled matters relating to
18 prisoners of war subsequent to 7 December 1941?

19 A It handled liaison work within the country
20 with matters relating to prisoners of war. The situa-
21 tion was exactly as I related yesterday during the
22 course of additional direct examination.
23

24 Q I don't believe you explained what that
25 liaison work consisted of. Will you explain at this
time?

stantially correct, so far as you know?

1 A (Examining) I don't remember the contents
2 and I cannot say on the face of this whether it is
3 correct or not. However, this appears to be a docu-
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5 Privy Council.
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15 no special department in the Navy Ministry for the
16 handling of prisoners of war. Is it not a fact that
17 the Naval Affairs Bureau handled matters relating to
18 prisoners of war subsequent to 7 December 1941?

19 A It handled liaison work within the country
20 with matters relating to prisoners of war. The situa-
21 tion was exactly as I related yesterday during the
22 course of additional direct examination.
23

24 Q I don't believe you explained what that
25 liaison work consisted of. Will you explain at this
time?

1 A In connection with prisoners of war, if
2 there were matters which required contact or liaison
3 with the army, we handled that. If there were facts,
4 any matters which required liaison with the Foreign
5 Office or the Home Office, our department handled that,
6 and in accordance with needs, if and when they arose,
7 we also handled liaison with the naval units which
8 happened to have prisoners of war in their hands.

9 Q The navy kept prisoners of war in temporary
10 camps prior to turning them over to the army, isn't
11 that so?

12 A Yes, in some cases.

13 Q How long did the navy retain these prisoners
14 of war before turning them over to the army?

15 A I don't know the details.

16 Q You testified before the Tribunal yesterday
17 that the Navy Minister had supervisory powers over
18 local commanders of naval stations in the supervision
19 and control of prisoners of war, isn't that true?

20 A No, it seems the meaning is a little differ-
21 ent.

22 Q Will you explain?

23 A The highest authority in connection with
24 supervision over prisoners of war were the commanders
25 of naval stations, commanders of a fleet, and command-

1 ers of naval guard areas. The Navy Minister super-
2 vises naval commanders and others in like position
3 in his capacity as one supervising naval officers.

4 Q Is it not a fact that you, as Chief of the
5 Bureau of Naval Affairs, issued orders concerning the
6 prisoners of war held in these temporary camps?

7 THE MONITOR: Correction on the previous
8 answer by the witness: "Naval officers" should be
9 replaced by "naval personnel."

10 A (Continuing) I have no recollection of the
11 Naval Affairs Bureau issuing such orders.

12 Q With reference to the 98 American civilians
13 captured on Wake Island in December 1941 and later
14 executed by Admiral SAKAIBARA in 1943, you in your
15 capacity as Chief of the Naval Affairs Bureau had
16 supervisory control over such captured civilians, did
17 you not?

18 A No, not at all.
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1 ers of naval guard areas. The Navy Minister super-
2 vises naval commanders and others in like position
3 in his capacity as one supervising naval officers.

4 Q Is it not a fact that you, as Chief of the
5 Bureau of Naval Affairs, issued orders concerning the
6 prisoners of war held in these temporary camps?

7 THE MONITOR: Correction on the previous
8 answer by the witness: "Naval officers" should be
9 replaced by "naval personnel."

10 A (Continuing) I have no recollection of the
11 Naval Affairs Bureau issuing such orders.

12 Q With reference to the 98 American civilians
13 captured on Wake Island in December 1941 and later
14 executed by Admiral SAKAIBARA in 1943, you in your
15 capacity as Chief of the Naval Affairs Bureau had
16 supervisory control over such captured civilians, did
17 you not?

18 A No, not at all.
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1 Q As Chief of the Naval Affairs Bureau you
2 could have ordered the transfer of these prisoners
3 of war from the temporary camp on Wake Island to
4 a prisoner of war camp in Japan, is that not so?

5 A I don't quite remember the circumstances
6 but I remember saying, after being informed that
7 there were prisoners of war in Wake Island, that it
8 would not be wise to hold such prisoners of war in a
9 distant, isolated island and that it would be better
10 to transfer them to the Japanese homeland; and my
11 recollection is that these prisoners of war were
12 transferred to the Japanese home islands after con-
13 sultation with various other bureaus and departments
14 in the Navy Ministry. In such matters the Naval
15 Affairs Bureau has no authority to issue orders.

16 Q Is it not a fact that on or about 30 Novem-
17 ber 1943 you as Chief of the Naval Affairs Bureau
18 ordered 38 prisoners of war to be transferred from
19 the Ofuna temporary camp to the Army prisoner of war
20 camp at Tokyo?

21 A I have absolutely no recollection of such a
22 matter. Such matters were purely routine business
23 matters and these matters were handled as a matter
24 of course by my subordinates either in my name or
25 in the name of the Naval Affairs Bureau and there are

many such matters which are not within my knowledge.
That is one of the items requiring internal liaison
work, that is to say, liaison work within Japan which
the Naval Affairs Bureau handled when necessary.
Whenever any demands came from the field, or requests
came from the field, for the transfer of prisoners of
war to the Japanese homeland, the Naval Affairs Bureau
performed the liaison work with the necessary author-
ities.

THE MONITOR: Substitute for "the Japanese
homeland," the words, "to the Army."

COMMANDER COLE: May the witness be shown
IPS document 2367?

(Whereupon, a document was handed
to the witness.)

Q Will you examine this document and state
whether it is not a secret order issued by the Chief
of the Naval Affairs Bureau at the time you held that
office to the Chief of the Army Military Affairs
Bureau concerning the transfer of 38 prisoners of
war from Ofuna prisoner of war camp?

A This is not an order. This, as I have
already referred to, is one of the items requiring
liaison work. As I have said before, such matters as
these were handled in my name or in the name of the

1 Naval Affairs Bureau and, therefore, I did not
2 then see any documents of this kind nor have I any
3 recollection of this.

4 May I make clear again that this is not an
5 order but an inquiry in connection with liaison work.

6 Q Irrespective of whether you ever saw this
7 particular document, is it not true that it was
8 issued by the Bureau of Naval Affairs at the time
9 when you were the chief thereof?

10 A It may be thought so but I do not have
11 sufficient data to confirm it.

12 Q Do you recognize the seal of the Prisoner
13 of War Information Bureau which appears on the first
14 page?

15 A It appears to be a copy of what is repre-
16 sented as a seal of the Prisoner of War Information
17 Bureau but it is not the seal itself. Also, under the
18 words Chief of the Naval Affairs Bureau there is a
19 red square indicating the seal of the Chief of the
20 Naval Affairs Bureau but it is not the seal itself.

21 Q Do you have any reason to believe that the
22 facts stated in this document are not substantially
23 correct?
24

25 A As I have said before, I do not know because
I did not personally handle this matter and because I

1 have no recollection of this matter.

2 Q Did you as Chief of the Naval Affairs Bureau
3 ever order the transfer of prisoners of war from
4 South Seas areas to prisoner of war camps in Japan?

5 A I have no recollection.

6 Q Is it not a fact that on or about 12 October
7 1942 as Chief of the Naval Affairs Bureau you ordered
8 the evacuation of 1,000 prisoners of war from Macassar
9 to Sasebo Naval Station?

10 A Such matters as these were handled in
11 accordance with requests made by the authorities in
12 the field as a routine business. I was not informed
13 of a matter of this kind and I do not recall anything
14 pertaining to it.

15 Q Did you not on the same date direct that
16 Sasebo Naval Station should turn these 1,000 prisoners
17 of war over to the Army and that the 1,000 prisoners
18 of war should be used en bloc for work at the Koyaki-
19 jima dockyard at Nagasaki?

20 A I have no recollection. I do not think
21 there were any such directions but at least I do not
22 remember.

23 Q And did you not direct on the same date that
24 the War Ministry Prisoner of War Control Department
25 should furnish 100 prisoners of war for work in each

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1 of four factories which were under the charge of the
2 Navy at Osaka and Hiroshima?

3 A I have absolutely no recollection of that.
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1 COMMANDER COLE: May the witness be shown
2 IPS document 3262?

3 (Whereupon, a document was handed
4 to the witness.)

5 Q Will you examine this document and state
6 whether it appears to be an order from the Chief of
7 the Naval Affairs Bureau at the time you held that
8 office addressed to the Chief of the War Ministry
9 Prisoner of War Control Department, dated 19 October
10 1942, concerning one thousand prisoners of war to be
11 evacuated from Macassar to Japan?

12 A Like the last document referred to, this is
13 not an order but an inquiry in connection with a
14 matter requiring liaison.

15 Q Do you recognize the seal of the Chief of
16 the Naval Affairs Bureau on this document?

17 A There is no seal whatsoever. It only says
18 there is a seal.

19 Q Do you deny that the facts stated in this
20 document are substantially correct?

21 A Inasmuch as I did not see these documents
22 at the time, and having no recollection, I cannot con-
23 firm it.

24 Q Admiral, is it not a fact that the prisoners
25 of war at Ofuna temporary prisoner of war camp were

1 given inadequate food and medical care and were
2 severely beaten with clubs with the result that many
3 of them died or were permanently injured?

4 A I have never heard of matters of such a
5 nature.

6 Q Is it not also a fact that members of Allied
7 submarine crews and Allied airmen were singled out for
8 particularly brutal treatment while at Ofuna?

9 A With regard to the Ofuna temporary prisoner
10 of war camp, I have never heard of the kind of pris-
11 oners of war held there nor how many were held there,
12 and matters such as just indicated by you were never
13 brought to my attention.

14 Q Did you ever inspect Ofuna camp or cause
15 it to be inspected?

16 A I do not think there was. Correction: I
17 do not think I did.

18 Q On page 34 of your affidavit you state that
19 a report covering the name and rank of all prisoners
20 of war held by Navy units came within the jurisdic-
21 tion of the Naval Affairs Bureau. By this you meant
22 that such reports were forwarded to the Bureau of
23 Naval Affairs from the naval units, did you not?

24 A No, I am referring to inquiries transmitted
25 to the Navy Ministry by the Foreign Office, and I

1 referred to this -- which are referred to in order
2 to reply to such inquiries. It is stipulated that
3 the list of names, the number and the personal ef-
4 fects of prisoners of war are to be directly notified
5 to the Prisoners of War Information Bureau by the
6 naval units in the field. Details are not forwarded
7 to the Navy Ministry. They are forwarded only upon
8 specific requests. And when necessary, inquiries are
9 made by the Navy Ministry in order to provide the
10 information requested by the Foreign Office.

11 Q Did not the Bureau of Naval Affairs handle
12 those inquiries?

13 A When necessary, inquiries were handled by
14 the Naval Affairs Bureau.

15 Q And in the course of handling those inquir-
16 ics, did the Bureau of Naval Affairs make a report to
17 the Foreign Minister?

18 A The list of names are known to the Prisoners
19 of War Information Bureau. If inquiries are addressed
20 there, the information could be supplied by that de-
21 partment. And I think that whenever the Foreign
22 Office required certain information, it was able to
23 obtain them from the Information Bureau. When neces-
24 sary, there are times when the Naval Affairs Bureau
25 could handle inquiries and make the necessary communi-

1 cation to the Foreign Office, but whether it actually
2 did it or not I do not know.

3 Q Evidence has been presented before this
4 Tribunal that from 7 December 1941 to 21 August 1945
5 the Japanese Foreign Ministry received forty notes
6 from the United States Government asking for informa-
7 tion about United States civilians captured by the
8 Japanese Navy on Wake Island. Did you ever receive
9 from the Foreign Ministry a request for information
10 as to such prisoners of war on Wake Island held by
11 the Navy?

12 A I never knew of these matters at the time.
13 I learned of them for the first time in this Tribunal.
14 And as for me, I tried my hardest to trace back my
15 recollections in an effort to refresh them and made
16 inquiries in order to do so, but was unable to recall
17 anything. Such matters as these being purely routine
18 liaison matters, I do not know whether even my sub-
19 ordinates handled them. With regard to this matter,
20 I have absolutely no recollection.

21 Q Do you mean that the defendant TOGO failed
22 in his duty to forward such notes of request to you?

23 A No, I do not think that way. The situation
24 was exactly as I have already told you in response
25 to your question.

1 Q Evidence has been presented to this Tribunal
2 by defense witness YAMAMOTO, Yoshio, who served as
3 Chief of Section I of the Naval Affairs Bureau from
4 1942 until 1945, that the Naval Affairs Bureau did
5 receive some protests concerning the **perpetration**
6 of atrocities on the survivors of Allied merchant
7 ships sunk by Japanese submarines in the Indian
8 Ocean. Did you ever see or hear of such protests?

9 A In reference to what year?

10 Q In reference to any of the years during
11 which you were the Chief of the Bureau of Naval
12 Affairs.

13 A During my tenure of office I have never seen
14 one.

15
16 **COMMANDER COLE:** In connection with the
17 last answer of the witness, prosecution refers the
18 Tribunal to the testimony of defense witness YAMAMOTO,
19 Yoshio at record page 27,382.
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1 ACTING PRESIDENT: With reference to these two
2 alleged orders of the Bureau of Naval Affairs relative
3 to the movement of prisoners, they should be admitted
4 for identification.

5 MR. ROBERTS: May I remind the Tribunal the
6 witness said they were inquiries, and I also join in the
7 request they be marked for identification.

8 CLERK OF THE COURT: Prosecution document
9 3267 will receive exhibit No. 3477 for identification
10 only. Prosecution document 3262 will receive exhibit
11 No. 3478 for identification only.

12 (Whereupon, prosecution documents
13 Nos. 3267 and 3262 were marked prosecution
14 exhibit No. 3477 and No. 3478 for identification.)

15 Q Irrespective of whether you personally ever
16 saw such protests, the Chief of the First Section,
17 YAMAMOTO, Yoshio, who served under you, has testified
18 that some protests were received. Will you state what
19 action was taken by your bureau upon those protests?

20 MR. ROBERTS: I object on the ground that this
21 question has already been answered.

22 ACTING PRESIDENT: Objection sustained.

23 THE WITNESS: I should like to say a few words.
24 May I?

25 ACTING PRESIDENT: There is no question before

1 you now, Mr. Witness.

2 THE WITNESS: It is with regard to the last
3 question.

4 COMMANDER COLLE: Not at this time. Your
5 counsel will give you an opportunity later.

6 Q Evidence has been presented before this
7 Tribunal that the Japanese Foreign Minister, by
8 letters dated 12 February 1944 and 11 July 1944, for-
9 warding notes of protest concerning treatment of pris-
10 oners of war to the Navy Minister. What action was
11 taken by your bureau with respect to these protests?

12 A Having not seen those protests I do not know
13 exactly, but the general handling of such documents
14 was this, that in order to investigate into the con-
15 tents of any incident inquiries would be addressed to
16 the unit in which an incident occurred in order to
17 assemble all the information pertaining to the incident.
18 And it is only after a full investigation and a full
19 ascertainment of the truth or otherwise of the facts
20 that replies are prepared. And so insofar as these
21 matters were concerned up to this point they were
22 handled through the ordinary channels and such matters
23 required a considerable length of time, I should think.

24 I have had occasion to examine the various
25 protests entered into evidence at this trial, protests

1 covering a period during which I have held office as --
2 I held my office, and of course I did not know of these
3 matters at the time and I discovered that most of these
4 matters had very little relationship with the Navy. And
5 so generally I think that the Prisoner of War Information
6 Bureau had pretty nearly all the data, all the informa-
7 tion necessary upon which to draw up replies. And it
8 is my recollection that copies sent to the Navy Minister
9 or the Vice Navy Minister were sent to them for reference
10 purposes only.

11 COMMANDER COLE: In connection with the last
12 answer of the witness, the prosecution refers the
13 Tribunal to exhibit 2173 in evidence at record page
14 15,513 and to exhibit 473 in evidence at record page
15 5,492.

16 Q In view of the fact that the evidence before
17 this Tribunal shows that copies of protests were received
18 both by your superior officers, the Navy Minister, and
19 by your subordinate, the Chief of the No. 1 Section of
20 the Naval Affairs Bureau, do you still deny that you
21 ever saw or heard of any such protests?

22 MR. ROBERTS: I object on the ground that the
23 question has already been answered.

24 ACTING PRESIDENT: Objection overruled.

25 A Unless I see a specific document I wouldn't

1 know, but generally speaking I do not think I have ever
2 seen any protests. And speaking of these protests,
3 even if copies of them were sent by the Foreign Office
4 to the Ministry of the Navy so many of the matters did
5 not relate to the Navy at all so it was customary not
6 to see these protests at all.

7 Q Do you admit that it was the responsibility of
8 the Japanese Government to see that prisoners of war
9 were humanely treated?

10 A Yes, I do.

11 MR. ROBERTS: I object to that.

12 ACTING PRESIDENT: Objection sustained.

13 MR. ROBERTS: May the answer be stricken?

14 Q What action did you, as Chief of the Naval
15 Affairs Bureau, take to see that prisoners of war held
16 in temporary Navy camps were humanely treated?

17 MR. ROBERTS: I object to that. It has already
18 been answered.

19 ACTING PRESIDENT: Objection sustained.

20 COMMANDER COLE: No further cross-examination.

21 ACTING PRESIDENT: I have two or three questions
22 here from a Member of the Tribunal.

23 BY THE ACTING PRESIDENT:

24 Q What was the function of the Navy Ministry with
25 regard to territories occupied by the Navy?

1 A May I have the question repeated?

2 (Whereupon, the question was repeated
3 by the interpreter.)

4 A Matters pertaining to military government in
5 occupied areas.

6 Q What were its functions with regard to
7 prisoner of war camps in those territories?

8 A The responsibility for control over prisoners
9 of war resided in the naval unit exercising the control,
10 and the highest authority for control of prisoners of
11 war was the commander of the naval fleet over the naval
12 unit controlling the prisoners of war.

13 ACTING PRESIDENT: I think the other question ha
14 better be postponed until after the recess.

15 We will now recess for fifteen minutes.

16 (Whereupon, at 1445, a recess was
17 taken until 1500, after which the proceedings
18 were resumed as follows:)
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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.
BY ACTING PRESIDENT (Continued):

Q I understood you to say in reply to the
last question asked you before the recess that the
control of prisoners in territories occupied by the
navy was entirely in charge of the Commander of the
Fleet. Is that correct?

A That is with regard to prisoners of war
temporarily interned by the navy prior to their
transfer to the army.

Q Do you call those temporarily interned that
were held on Wake Island for approximately two years?

A All prisoners of war held by the navy are
considered to be held temporarily.

Q From that I assume that you mean that the
Navy Minister has no control whatsoever over them?

A The Navy Minister did not have any direct
authority over the control of prisoners of war.

Q Exhibit No. 628 is entitled, "Japanese
Foreign Policy." With reference to Dutch East Indies
on page 8 of the English copy, this is stated:

"If any of the important natural resources
should be destroyed, all the persons connected with
the raw material, the government officials concerned,
shall be severely punished as being the responsible

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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.
BY ACTING PRESIDENT (Continued):

Q I understood you to say in reply to the
last question asked you before the recess that the
control of prisoners in territories occupied by the
navy was entirely in charge of the Commander of the
Fleet. Is that correct?

A That is with regard to prisoners of war
temporarily interned by the navy prior to their
transfer to the army.

Q Do you call those temporarily interned that
were held on Wake Island for approximately two years?

A All prisoners of war held by the navy are
considered to be held temporarily.

Q From that I assume that you mean that the
Navy Minister has no control whatsoever over them?

A The Navy Minister did not have any direct
authority over the control of prisoners of war.

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A That is with regard to prisoners of war
temporarily interned by the navy prior to their
transfer to the army.

Q Do you call those temporarily interned that
were held on Wake Island for approximately two years?

A All prisoners of war held by the navy are
considered to be held temporarily.

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Navy Minister has no control whatsoever over them?

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MARSHAL OF THE COURT: The International
Military Tribunal for the Far East is now resumed.
BY ACTING PRESIDENT (Continued):

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3 Q I understood you to say in reply to the
4 last question asked you before the recess that the
5 control of prisoners in territories occupied by the
6 navy was entirely in charge of the Commander of the
7 Fleet. Is that correct?

8 A That is with regard to prisoners of war
9 temporarily interned by the navy prior to their
10 transfer to the army.

11 Q Do you call those temporarily interned that
12 were held on Wake Island for approximately two years?

13 A All prisoners of war held by the navy are
14 considered to be held temporarily.

15 Q From that I assume that you mean that the
16 Navy Minister has no control whatsoever over them?

17 A The Navy Minister did not have any direct
18 authority over the control of prisoners of war.

19 Q Exhibit No. 628 is entitled, "Japanese
20 Foreign Policy." With reference to Dutch East Indies
21 on page 8 of the English copy, this is stated:
22

23 "If any of the important natural resources
24 should be destroyed, all the persons connected with
25 the raw material, the government officials concerned,
shall be severely punished as being the responsible

1 persons. (This matter should be announced widely
2 beforehand by radio and other means.)"

3 The question is: were there any discussions
4 in the Navy Ministry as to the means to insure that
5 the Netherlands East Indies oil fields should not be
6 destroyed?

7 A I have no recollection that such a dis-
8 cussion was held.

9 Q Did the Navy Ministry discuss with officials
10 of the Foreign Office the plan called "Tentative Plan
11 for Policy towards Southern Regions," which is the
12 exhibit which I just referred to?

13 A May I inquire the date of the document just
14 referred to?

15 Q At any time while you held your position
16 in the Navy Ministry.

17 A What was the name of the document referred
18 to?

19 Q It is the document I just read to you.

20 A May I ask that it be repeated?

21 MR. ROBERTS: Is there a possibility of the
22 witness's seeing this document, if the Court please?

23 ACTING PRESIDENT: It is only a short para-
24 graph. He may be shown the Japanese copy, exhibit
25 628. If you haven't it here I will read this. This

1 is entitled, "Tentative Plan for Policy towards
2 Southern Regions," and as to the Dutch East Indies
3 the paragraph I read before:

4 "If any of the important natural resources
5 should be destroyed, all the persons connected with
6 the raw material, the government officials concerned,
7 shall be severely punished as being the responsible
8 persons."

9 MR. ROBERTS: May I request the date on
10 that document, please?

11 ACTING PRESIDENT: 4th of October, 1940.

12 A Not having been appointed to the post of
13 Chief of the Naval Affairs Bureau on that date,
14 October 4, 1940, I do not know how that document was
15 handled or what it is all about. I am unable to
16 understand.

17 Q You were appointed Chief of the Naval Affairs
18 Bureau on October 10, 1940, were you not?

19 A I was appointed on October 15.

20 Q All right. After October 15 were these
21 plans discussed with the Foreign Office?

22 A Well, I do not recall this study draft, and
23 I have no recollection in connection therewith.

24 Q So you would not know whether they were dis-
25 cussed also with the general staff?

1 is entitled, "Tentative Plan for Policy towards
2 Southern Regions," and as to the Dutch East Indies
3 the paragraph I read before:

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5 should be destroyed, all the persons connected with
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20 Q All right. After October 15 were these
21 plans discussed with the Foreign Office?

22 A Well, I do not recall this study draft, and
23 I have no recollection in connection therewith.

24 Q So you would not know whether they were dis-
25 cussed also with the general staff?

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1 A No, I do not.

2 ACTING PRESIDENT: That is all.

3 Mr. Roberts.

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REDIRECT EXAMINATION

1 BY MR. ROBERTS:

2 Q Mr. OKA, on cross-examination yesterday,
3 Mr. Blakeney questioned you concerning your interro-
4 gation by a representative of the International Prosecu-
5 tion Section, and referred to an alleged discussion
6 between TOGO and Admirals NAGANO and ITO, and you
7 answered that the answer should have been that you did
8 not recall it.
9

10 I ask you if you were then not asked the fol-
11 lowing question, and if you did not make the following
12 answer on the same interrogation:

13 "Q Do you not recall your conversations with
14 NAGANO and ITO in which you also supported them in
15 their stand that the war should be started with a
16 maximum effectiveness and, therefore, no notice should
17 be given to the United States before attack? This was
18 after the decision to wage war and the notice to
19 attack.
20

21 "A I don't remember it."

22 Do you recall that as being the question and
23 answer?

24 A Yes.

25 Q Were the following questions then put to you,
and did you not make the following answers:

1 "Q You do remember that there was a discussion
2 between TOGO, NAGANO, and ITO, don't you?

3 "A I heard after the war had begun that there was
4 a discussion between TOGO and ITO.

5 "Q What did you hear?

6 "A Before the attack I had not heard it, and the
7 first time I heard it was from American sources.

8 "Q The first time you heard that ITO and TOGO had
9 an argument about the time of attack was from American
10 sources?

11 "A I heard it after the war for the first time.
12 My information came from the demobilization board which
13 was set up after the war."

14 Were those the questions and answers given?

15 A It seems different. I think there is some
16 mistake with regard to such matters as American sources
17 or that I heard after the war broke out. It appears
18 that the last two answers are the correct ones.

19 Q I will read the next question and answer:

20 "Q And then not from American sources?

21 "A It did not come from American sources."

22 Is that correct?

23 A Yes, that is correct.

24 Q Now, with respect to the meeting that you had
25 with KAGESA in 1938, did you receive the orders from

1 anyone concerning this meeting?

2 A It was in accordance with a suggestion made
3 by the Prime Minister and with the permission of the
4 Vice-Minister and the then Chief of the Naval Affairs
5 Bureau.

6 THE MONITOR: Strike out "with the permission"
7 and insert "at the orders of."

8 Q What was the purpose of that meeting?

9 A Exchange of information.

10 Q And were you then required to report the
11 information back to the Vice-Minister?

12 A I had the duty of reporting to the Vice-
13 Minister and the Chief of the Naval Affairs Bureau.

14 Q Now, in 1941 did Navy Minister OIKAWA advocate
15 withdrawal of the Japanese troops from China?

16 A Yes, he did. And I have heard that he advised
17 accordingly to Prime Minister KONOYE.

18 Q Did you support that view?

19 A Yes.

20 Q Did YAMAMOTO, Yoshio, remain in his post after
21 you vacated your post as Chief of the Naval Affairs
22 Bureau?

23 A He continued to be in that position after I
24 had vacated the post of Chief of the Naval Affairs
25 Bureau and Vice-Minister.

1 Q Mr. OKA, did you ever personally issue any
2 orders relative to the treatment of prisoners of war?

3 A No, I have not.

4 Q Was it your duty to visit or inspect prisoner
5 of war camps?

6 A No, it was not my duty.

7 Q Was the question of the time interval between
8 the delivery of the note and the attack on Pearl Harbor
9 ever discussed at the liaison conference?

10 A No, it was not.

11 MR. ROBERTS: That completes the redirect
12 examination.

13 ACTING PRESIDENT: The witness will take his
14 place in the dock.

15 (Whereupon, the witness was excused.)

16 MR. ROBERTS: At this time I want to refer to
17 exhibit 120, which is a copy of the personnel record of
18 the accused OKA, only for the guidance of the Court,
19 and I want to point out that the last page on the Eng-
20 lish copy seems to be missing. I think that is a matter
21 that should be corrected by the prosecution.

22
23 COMMANDER COLE: The prosecution will see that
24 the document is corrected.

25 ACTING PRESIDENT: Very well.

MR. ROBERTS: That completes the presentation

on behalf of the defendant OKA.

1 ACTING PRESIDENT: Are you ready to take
2 up the question of the commission which took the
3 testimony of Baron SHIDEHARA?
4

5 MR. BROOKS: If your Honor please, I am
6 ready to take it up at this time.

7 I understand there is a language correction
8 or two that I think should be made possibly at this
9 time.

10 LANGUAGE ARBITER: (Captain Kraft) If the
11 Tribunal please, the following language corrections
12 are submitted as given on the language correction
13 sheet submitted.

14 MR. BROOKS: May they be copied then into
15 the record as though they had been read, if your Honor
16 please?

17 ACTING PRESIDENT: They should be.

18 I understand that this witness is a part
19 of the defense of the defendant MINAMI.

20 MR. BROOKS: If your Honor please, this
21 witness is a former prosecution witness from whom
22 I have taken an affidavit upon three specific points.
23 And I wish to enter an objection, if it is proper to
24 do so at this time, to the report of the commission
25 and move that the matter be struck from the last

1 question on page 10 to the last question on page
2 63 as being improper cross-examination, not within
3 the scope of the affidavit.

4 ACTING PRESIDENT: Before we go into that,
5 I would like to get it straight on the record that
6 this affidavit is being presented as part of the
7 defense of the accused MINAMI.

8 MR. BROOKS: That is right. The affidavit
9 referred to therein, defense document 1964, is the
10 affidavit of SHIDEHARA, Kijuro on behalf of the
11 accused MINAMI.

12 If your Honor please, as to the report of
13 the commission--the record of the proceedings of the
14 commission, taking the deposition of SHIDEHARA at
15 his home on November 11 -- I offer at this time, which
16 I understand is proper -- I offer at this time to
17 introduce this record of the proceedings into evidence,
18 except for the parts that I ask to be deleted from
19 page 10 to the last question of page 63 on the basis
20 of the objection that it is not proper cross-examination;
21 that part.

22 If the Tribunal please, I wish to make some
23 explanation for the reasons of my objections thereon.
24 However, I understand one of the other defense counsel
25 also wishes to object to certain portions of this

1 document and I think it is probably best that he
2 be heard first before I go into the objections I
3 have, if that is agreeable.

4 ACTING PRESIDENT: It seems to me that so
5 long as the Court has appointed the commissioner,
6 that the Court should hear the report of the
7 commissioner, subject at that time to any objections
8 that counsel desire to make.

9 MR. BROOKS: That is what I was trying to
10 do, if your Honor please. I understand that I should
11 make my objections now fully on the ones that I
12 raised at the time, because the commissioner himself
13 did not have the power to pass upon them at that time.
14 Then, that this matter having been argued out, after
15 the Tribunal has ruled that that document be accepted
16 as any other piece of evidence and that part that is
17 acceptable be read into the record.

18 MR. COMYNS CARR: Your Honor, in my submission,
19 that is a most irregular and inconvenient procedure.
20 The proper procedure is that the document should be
21 read, first of all, the affidavit being read by my
22 friend as submitted to the commissioner and then the
23 cross-examination be read by me. When I reach the
24 point at which my friend wants to take his objection,
25 that is the proper time for him and other counsel who

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22 friend as submitted to the commissioner and then the
23 cross-examination be read by me. When I reach the
24 point at which my friend wants to take his objection,
25 that is the proper time for him and other counsel who

1 wants to take it to do so.

2 ACTING PRESIDENT: Perhaps I did not make
3 myself clear, but that is what I was trying to state.

4 MR. COMYNS CARR: I should just add that I
5 am not admitting that more than one counsel has a
6 right to take an objection at all.

7 MR. BROOKS: I would like to be heard on
8 that, your Honor, but Mr. Warren wants to be heard
9 first. I will let it go.

10 ACTING PRESIDENT: Mr. Warren.

11 MR. WARREN: Your Honor, I have carefully
12 perused the report of the commission. Defense
13 counsel who were permitted before the commission were
14 limited to two and it was supposed to be confined
15 to the accused MINAMI.

16 I am sorry, that number was three instead of
17 two.

18 There was a series of documents, the only
19 documents introduced, all directed to the accused
20 DOHIHARA. They were introduced by the prosecution
21 without notice to counsel or to the accused. I should
22 like to be permitted to make a blanket objection to
23 those documents, and I can save the Tribunal considerable
24 time by going back into the record as to what has
25 occurred before on these things and I think I can

1 make myself clear. And in furtherance of that, at
2 this time I should like to object to any portion
3 of the record which refers to the accused DOHIHARA
4 and not to the accused MINAMI. I ask that it be
5 stricken and not considered at this time.
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1 MR. COMYNS CARR: In my submission, your
2 Honor, no discussion should be permitted at this
3 time as to anything being stricken. As your Honor
4 has already indicated, the proper time to take that
5 is when we get to that point in reading the record.
6 Whether the Tribunal will then hear two counsel or
7 one is a matter also to be considered at that time.

8 MR. WARREN: Your Honor, I object to the
9 introduction of the thing. It is inconceivable to
10 me that the Court would even entertain for one
11 second the thought that I cannot be heard when this
12 is directed at DOIHARA and not the accused MINAMI.
13 I am prepared to argue the whole thing, the affi-
14 davit and everything else, as immaterial, incom-
15 petent, irrelevant, and not tending to prove or
16 disprove any issues in this case.

17 ACTING PRESIDENT: One thing is clear,
18 Colonel Warren, and that is this: that the affi-
19 davit is presented by the counsel for MINAMI, and
20 that certainly is admissible.

21 MR. WARREN: I want to handle this matter
22 in the best way for the Tribunal and the best way
23 for all concerned, but when we reach the point in
24 the proceedings where they start to read the
25 introduction of the first document -- they are

1 introduced as a series from then on -- I don't want
2 him to read one document and object and read another
3 and object. We will have about ten arguments, where
4 one will suffice. That is what I had in mind, sir.
5 I think it is proper procedure.

6 I don't know yet what counsel has offered
7 in evidence, frankly. He has only offered certain
8 portions.

9 MR. BROOKS: If your Honor please, I have
10 offered into evidence the record of the proceed-
11 ings with the exception of the last question on
12 page 10 to the last question on page 63, as being
13 relevant and material in this case, covering both
14 the cross-examination and direct examination, and
15 I objected to the remaining portions as being
16 outside of the scope of the direct examination,
17 outside of the affidavit, and therefore not ad-
18 missible because it was objectionable, and I'd
19 like to be heard upon that for various reasons.

20
21 MR. COMYNS CARR: Your Honor, in my sub-
22 mission, this is a shameful waste of time. The
23 affidavit has been read before the Commissioner in
24 pursuance of the order of this Court, and the
25 cross-examination has been taken before the
Commissioner in pursuance of the order of this

1 Court. It is in evidence as part of the proceed-
2 ings of this Court, subject to certain objections
3 which were taken by the defense to certain ques-
4 tions which were asked and certain documents as
5 they were tendered. Final decision on those objec-
6 tions was reserved by the Commissioner for the
7 whole Court. Subject to that, the whole record is
8 in evidence, and if my friend doesn't tender it,
9 I shall -- not tender, but if my friend doesn't
10 read it, I shall.

11 MR. BROOKS: This document is not in
12 evidence until it is marked as an exhibit in this
13 case, and all that was taken there was taken sub-
14 ject to objections at the proper time, and this
15 is the proper time, before it goes into evidence.
16 Any other method of accepting this would allow the
17 prosecution to weasel in new evidence and material
18 that was objectionable and put it before the Court.

19 I have the right to offer this deposition,
20 the same as any other piece of evidence, and to
21 limit the amount I offer and to take objections to
22 any of the balance as being irrelevant or immaterial
23 or beyond the scope of the Commissioner to hear,
24 and the prosecution should know it.

25 ACTING PRESIDENT: The document is now on

1 Court. It is in evidence as part of the proceed-
2 ings of this Court, subject to certain objections
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21 limit the amount I offer and to take objections to
22 any of the balance as being irrelevant or immaterial
23 or beyond the scope of the Commissioner to hear,
24 and the prosecution should know it.

25 ACTING PRESIDENT: The document is now on

1 record, the report of the Commissioner having been
2 filed with the Clerk, and consequently it should be
3 admitted, subject to any objection that may be
4 made at the time it is read. If any objections are
5 sustained, they may be struck from the record.

6 MR. BROOKS: Well, that -- the fact that
7 this is on file with the Clerk does not make it a
8 matter of evidence, if your Honor please, because
9 it has not been offered in evidence except now,
10 and I am offering it.

11 ACTING PRESIDENT: The report will be ad-
12 mitted.

13 MR. BROOKS: Yes, your Honor. I have
14 offered this, subject to certain restrictions which
15 the prosecution can argue when we come to that
16 point. I have offered all the report except from
17 page 10 to page 63, which I thought was objection-
18 able and should be argued separately.

19 ACTING PRESIDENT: You perhaps did not
20 understand the ruling of the Tribunal. The report
21 will be admitted in evidence, subject to any ob-
22 jections that will be made at the time, the proper
23 time, that they come up.

24 MR. BROOKS: Well, I haven't offered any
25 except that part, your Honor. I don't think I can

1 be forced to offer something that I have objected
2 to all the time.

3 Maybe I don't understand the Court's ruling.
4 I am trying to, but I offered --

5 ACTING PRESIDENT: We do not have to
6 accept your offer.

7 The Clerk will give it an exhibit number.

8 CLERK OF THE COURT: The deposition of
9 SHIDEHARA, Kijuro, taken before the Honorable Mr.
10 Justice Northcroft, Commissioner, on 11 November
11 1947, at the residence of the witness, No. 1219,
12 Okamoto-machi, Setagaya, Tokyo, Japan, together
13 with attachments, will receive exhibit No. 3479.

14 (Whereupon, the document above
15 referred to was marked defense exhibit
16 No. 3479 and received in evidence.)

17 ACTING PRESIDENT: We will proceed to read
18 the report tomorrow morning, subject to any objec-
19 tions that may be made.

20 The court is adjourned until nine-thirty
21 tomorrow morning.

22 (Whereupon, at 1600, an adjourn-
23 ment was taken until Thursday, 20 November
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